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EXAMINER

MILORD, MARCEAU

ART UNIT

PAPER NUMBER

2685

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/461,699

Applicant(s)

Patsiokas

Examiner

Marceau Milord

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) ☒ Responsive to communication(s) filed on Dec 14, 1999

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-17 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-17 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some\* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20) ☐ Other:

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### DETAILED ACTION

The preliminary amendment received on October 16, 2000, has not been entered because it does not state where these tables should be placed in the specification.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1- 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US Patent No 5857156) in view of Matsuura (US Patent No 6075568).

Regarding claims 1 and 11, Anderson discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48 ) comprising : first means ( remote device 24, 30, 36 of fig. 1) for transmitting said data using a first network ( col. 3, lines 32- 44), said first network being a wireless network; second means (38 of fig. 1) for receiving said transmitting data (col. 3, lines 50- 54) ; third means (30 and 36 of fig. 1) for receiving user input ; and fourth means ( 38 and 40 of fig. 1) for storing a signal ( col. 3, lines 53- 67; col. 4, lines 1- 49 ).

However, Anderson does not specifically disclose the features of a means for storing a signal identifying said data in response to said user input ; and selectively disabling said means in response to a nonrecord-ability signal.

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On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a network system which has a configuration such that information supplier address data transmitted with character broadcast data is extracted and stored in the Internet address memory. Furthermore, the web site addresses once addressed by the user or selected on a character broadcast display can be registered in an address list as being stored in the address list area, and a desired web site can be accessed by the Internet browser 9 according to an address selected from the address list ( figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line 7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Matsuura to the system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 2, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48 ) further including fifth means (44 of fig. 1), responsive to said stored signal, for retrieving said data from a second network (col. 3, line 50- col. 4, line 30).

Regarding claims 3- 5, 14, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48 ) wherein said fourth means (fig. 3) includes a removable electronic storage medium, and a second network is the Internet or World Wide Web (col. 4, lines 1- 30 ; col. 6, lines 13- 60).

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Regarding claims 6- 7, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 18) wherein said data includes a plurality of music selections; and a second means includes means for playing said music selections as they are received from said first means ( col. 2, lines 22- 48 ; col. 4, lines 37- 52).

Regarding claim 8, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48 ) wherein said first means is a satellite radio transmitter and said second means is a satellite radio receiver (42 of fig. 1; col. 3, line 60- col. 4, line 64).

Regarding claims 9 and 15 , Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48 ) wherein said third means includes a voice recognition system ( col. 3, lines 40- 67).

Regarding claims 10 and 12, Anderson as modified discloses a system for distributing music and data (fig. 1; col. 1, line 50- col. 2, line 48 ) wherein said fifth means includes a kiosk (50, 48, 34, 52 of fig. 1; and means for selectively displaying information relating to said signal identifying said data ( col. 3, line 38- col. 4, line 30)

Regarding claim 13, Anderson discloses a system (fig. 1; col. 1, line 50- col. 2, line 48 ) for recording data comprising : a satellite radio transmitter ( 42 of fig. 1) for transmitting said data ; a receiver ( 38 of fig. 1) for receiving said transmitting data (col. 3, lines 50- 54) ; means (24, 30, 36 of fig. 1) for receiving user input ( col. 3, lines 32- 44); a removable electronic storage medium ( 38 of fig. 1) for storing a signal (col. 3, lines 50- 67; col. 9, lines 35- 49).

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However, Anderson does not specifically disclose the features of a means for storing a signal identifying said data in response to said user input ; and a computer, responsive to said stored signal, for retrieving said data from the Internet or World Wide Web.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a network system which has a configuration such that information supplier address data transmitted with character broadcast data is extracted and stored in the Internet address memory. Furthermore, the web site addresses once addressed by the user or selected on a character broadcast display can be registered in an address list as being stored in the address list area, and a desired web site can be accessed by the Internet browser 9 according to an address selected from the address list ( figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line 7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Matsuura to the system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

Regarding claim 16, Anderson discloses a system (fig. 1; col. 1, line 50- col. 2, line 48 ) for distributing music and data comprising: first means ( remote device 24, 30, 36 of fig. 1) for transmitting said data using a first network ( col. 3, lines 32- 44), said first network being a wireless network ; second means (38 of fig. 1) for receiving said transmitting data (col. 3, lines

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50- 54) ; third means (30 and 36 of fig. 1) for receiving user input ; fourth means ( 38 and 40 of fig. 1) for storing a signal ( col. 3, lines 53- 67; col. 4, lines 1- 49 ).

However, Anderson does not specifically disclose the features of a means for storing a signal identifying said data in response to said user input ; and a means for selectively disabling said means in response to a nonrecord ability signal.

computer, responsive to said stored signal, for retrieving said data from the Internet or World Wide Web.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a network system which has a configuration such that information supplier address data transmitted with character broadcast data is extracted and stored in the Internet address memory. Furthermore, the web site addresses once addressed by the user or selected on a character broadcast display can be registered in an address list as being stored in the address list area, and a desired web site can be accessed by the Internet browser 9 according to an address selected from the address list ( figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line 7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Matsuura to the system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

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Regarding claim 17, Anderson discloses a method for recording data (fig. 1; col. 1, line 50- col. 2, line 48 ) including the steps of : transmitting ( remote device 24, 30, 36 of fig. 1) said data using a first network ( col. 3, lines 32- 44), said first network being a wireless network ; receiving (38 of fig. 1) said transmitting data (col. 3, lines 50- 54); receiving user input (30 and 36 of fig. 1) ; storing ( 38 and 40 of fig. 1) a signal ( col. 3, lines 53- 67; col. 4, lines 1- 49 ) ; and retrieving said data from a second network in response to said stored signal.

However, Anderson does not specifically disclose the features of a means for storing a signal identifying said data in response to said user input ; and retrieving said data from a second network in response to said stored signal.

On the other hand, Matsuura, from the same field of endeavor, discloses in figure 2, a network system which has a configuration such that information supplier address data transmitted with character broadcast data is extracted and stored in the Internet address memory. Furthermore, the web site addresses once addressed by the user or selected on a character broadcast display can be registered in an address list as being stored in the address list area, and a desired web site can be accessed by the Internet browser 9 according to an address selected from the address list ( figs. 3- 7; col. 3, line 38- col. 4, line 65; col. 5, line 47- col. 6, line 64; col. 7, line 7- col. 8, line 24). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Matsuura to the system of Anderson in order to allow the user the flexibility to retrieve the desired selection from a second network



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using the removable media, and also to access a web site on the World Wide Web or a site on a private distribution hub.

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tilford et al US Patent No 5915020 discloses a portable device for receiving satellite signals and displaying the signals as video.

Takayama et al. US Patent No 6272312 B1 discloses a satellite broadcasting receiving tuner including first and second tuners.

Kikinis US Patent No 6205485 B1 discloses a multimedia broadcast system which provides schedule information simulcast as a Hyper Text Markup Language data stream.

Douma et al. US Patent No 5990884 discloses a multimedia components for reproducing/recording information in a data storage medium which are controlled via a personal computer.

Lewis US Patent No 5564001 discloses a system and device for transmitting multimedia information over a network which requires a reduced bandwidth.

Schoene et al. US Patent No 5592511 discloses a system for creation of user-selected customized audio products, defined as a plurality of songs from different recording artists recorded on a single compact disc or digital audio tape cassette.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305- 4385. The FAX phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is (703) 306-3023. The examiner can normally be reached on Monday through Thursday from 9:30 A.M. to 7:00 P.M.

  
MARCEAU MILORD

February 24, 2002

  
EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
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